

IN THE SUPREME COURT OF THE STATE OF DELAWARE

ANDRE R. THOMAS,	§
	§
Defendant Below-	§ No. 38, 2009
Appellant,	§
	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware,
STATE OF DELAWARE,	§ in and for New Castle County
	§ Cr. ID 9811014143
Plaintiff Below-	§
Appellee.	§

Submitted: June 12, 2009

Decided: July 20, 2009

Before **STEELE**, Chief Justice, **JACOBS**, and **RIDGELY**, Justices.

**ORDER**

This 20<sup>th</sup> day of July 2009, after careful consideration of the parties' briefs and the record on appeal, we find it manifest that the judgment below should be affirmed on the basis of the Superior Court's well-reasoned decision dated January 12, 2009. The Superior Court did not err in concluding that appellant's second motion for postconviction relief was untimely and otherwise barred and that appellant failed to overcome the procedural hurdles.

NOW, THEREFORE, IT IS ORDERED that the judgment of the Superior Court is AFFIRMED.

BY THE COURT:

/s/ Henry duPont Ridgely  
Justice